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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,268	07/13/2006	Tomoko Syofuda	Q93176	4770

23373 7590 10/11/2007

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EXAMINER	
WANG, CHANG YU	

ART UNIT	PAPER NUMBER
1649	

MAIL DATE	DELIVERY MODE
10/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/571,268	SYOFUDA ET AL.	
	Examiner	Art Unit	
	Chang-Yu Wang	1649	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 3/9/06.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, drawn to a DNA comprising SEQ ID NO:1.

Group II, claim(s) 2 (in part), drawn to a DNA comprising SEQ ID NO:2.

Group III, claim(s) 2 (in part), drawn to a DNA comprising SEQ ID NO:3.

Group IV, claim(s) 3, drawn to a peptide comprising SEQ ID NO:4.

Group V, claim(s) 4, drawn to a peptide comprising SEQ ID NO:5.

Group VI, claim(s) 5, drawn to a peptide comprising SEQ ID NO:6.

Group VII, claim(s) 6-8, drawn to an antibody against SEQ ID NO:4.

Group VIII, claim(s) 9, drawn to a method for detecting nerve stem/progenitor cells using SEQ ID NO:1.

Group IX, claim(s) 10, drawn to a method for a drug for nerve differentiation factor or inhibitor of nerve differentiation.

Group X, claim(s) 11, drawn to an antibody against SEQ ID NO:5.

Group XI, claim(s) 12, drawn to an antibody against SEQ ID NO:6.

Group XII, claim(s) 13 (in part), drawn to a method for detecting nerve stem/progenitor cells using SEQ ID NO:2.

Group XIII, claim(s) 13 (in part), drawn to a method for detecting nerve stem/progenitor cells using SEQ ID NO:3.

Group XIV, claim(s) 14, drawn to a method for detecting nerve stem/progenitor cells using SEQ ID NO:4.

Group XV, claim(s) 15, drawn to a method for detecting nerve stem/progenitor cells using SEQ ID NO:5.

Group XVI, claim(s) 16, drawn to a method for detecting nerve stem/progenitor cells using SEQ ID NO:6.

Group XVII, claim(s) 17, drawn to a method for detecting nerve stem/progenitor cells using an antibody against SEQ ID NO:4.

Group XVIII, claim(s) 18, drawn to a method for detecting nerve stem/progenitor cells using an antibody against SEQ ID NO:5.

Group XIX, claim(s) 19, drawn to a method for detecting nerve stem/progenitor cells using an antibody against SEQ ID NO:6.

2. The inventions listed as Groups I-XIX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

3. The 1st claimed invention is drawn to a DNA comprising SEQ ID NO:1, which is anticipated by prior art references. Niwa et al. (WO2003078631, published Sep 25, 2003, as in IDS) disclosed an DNA of SEQ ID NO:4 having 100% identity to the instant SEQ ID NO:1, which meets the limitation of the 1st claim. Loring et al. (US6682888, issued on Jan 27, 2004, priority May 5, 2000) teaches a DNA of SEQ ID NO: 65 having

99.9% identity to the instant SEQ ID NO:1, which meets the limitation of a part of the base sequence of SEQ ID NO:1. In addition, as also found in the International Search Report, the Invention of the Group I was found to have no special technical feature that defined the contribution over the prior art of Cumienny et al. (Cell 2001, 107: 27-41, as in IDS). Cumienny et al. teach DNA of instant SEQ ID NO:1 and the protein encoded by SEQ ID NO:1 (see p.32; p.40), which meet the limitation of claim 1. Therefore, claim 1 is anticipated by Niwa et al. (WO2003078631), US6682888 and Cumienny et al.

The sequence search results disclose as follows:

SEQ ID NO:1

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ADG14343
ID   ADG14343 standard; DNA; 2109 BP.
AC   ADG14343;
DT   26-FEB-2004  (first entry)
DE   Human NC1 coding sequence.
KW   Human; NC1; NC2; NC3; PHHI; pancreas beta-cell; insulin; antidiabetic;
KW   neuroprotective; gene; ds.
OS   Homo sapiens.
FH   Key             Location/Qualifiers
FT   CDS             174. .917
FT                   /*tag= a
FT                   /product= "Human NC1"
PN   WO2003078631-A1.
PD   25-SEP-2003.
PF   06-MAR-2003; 2003WO-JP002620.
PR   15-MAR-2002; 2002JP-00071592.
PA   (KANF ) KANEKA CORP.
PI   Niwa H,  Yamashita K;
DR   WPI; 2003-767524/72.
DR   P-PSDB; ADG14340.
PT   Familial persistent hyperinsulinemic hypoglycemia of infancy (PHHI)
PT   patient-expressed genes for detecting and screening e.g. proliferative
PT   insulin-producing cells in treatment of PHHI.
PS   Claim 4; SEQ ID NO 4; 34pp; Japanese.
CC   The present invention relates to human NC1, NC2 and NC3 proteins and
CC   coding sequences (ADG14340-ADG14345). The coding sequences are useful for
CC   detecting and screening proliferative insulin-producing cells as well as
CC   differentiation and proliferation of such cells and their precursors as
CC   analogous cells in treatment of e.g. PHHI and diseases due to
CC   differentiation/proliferation abnormality, diseases of the nervous system
CC   and pancreas. The coding sequences are also useful as spontaneous
CC   proliferation models of pancreas beta-cells. The novel genes NC1, NC2 and
CC   NC3 were isolated from the pancreas of PHHI patients, which were used in
CC   testing for the detection of proliferative insulin-producing cells or
CC   pancreas beta-cells by Northern analysis.
SQ   Sequence 2109 BP; 548 A; 577 C; 459 G; 525 T; 0 U; 0 Other;

  Query Match             100.0%;  Score 749;  DB 10;  Length 2109;
  Best Local Similarity   100.0%;  Pred. No. 3.5e-206;
  Matches  749;  Conservative    0;  Mismatches    0;  Indels    0;  Gaps    0;

Qy          1 GGAGCTTGGTAATGCAGGTGGTGAAGGAGCAGGTTATGAGAGCACTTACAACCAAGCCTA 60
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        163 GGAGCTTGGTAATGCAGGTGGTGAAGGAGCAGGTTATGAGAGCACTTACAACCAAGCCTA 222

Qy         61 GCTCCCTGGACCAGTTCAAGAGCAAACTGCAGAACCTGAGCTACACTGAGATCCTGAAAA 120
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                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        223 GCTCCCTGGACCAGTTCAAGAGCAAACTGCAGAACCTGAGCTACACTGAGATCCTGAAAA 282

Qy        121 TCCGCCAGTCCGAGAGGATGAACCAGGAAGATTTCCAGTCCCGCCCGATTTTGGAACTAA 180
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        283 TCCGCCAGTCCGAGAGGATGAACCAGGAAGATTTCCAGTCCCGCCCGATTTTGGAACTAA 342

Qy        181 AGGAGAAGATTCAGCCAGAAATCTTAGAGCTGATCAAACAGCAACGCCTGAACCGCCTTG 240
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        343 AGGAGAAGATTCAGCCAGAAATCTTAGAGCTGATCAAACAGCAACGCCTGAACCGCCTTG 402

Qy        241 TGGAAGGGACCTGCTTTAGGAAACTCAATGCCCGGCGGAGGCAAGACAAGTTTTGGTATT 300
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        403 TGGAAGGGACCTGCTTTAGGAAACTCAATGCCCGGCGGAGGCAAGACAAGTTTTGGTATT 462

Qy        301 GTCGGCTTTCGCCAAATCACAAAGTCCTGCATTACGGAGACTTAGAAGAGAGTCCTCAGG 360
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        463 GTCGGCTTTCGCCAAATCACAAAGTCCTGCATTACGGAGACTTAGAAGAGAGTCCTCAGG 522

Qy        361 GAGAAGTGCCCCACGATTCCTTGCAGGACAAACTGCCGGTGGCAGATATCAAAGCCGTGG 420
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        523 GAGAAGTGCCCCACGATTCCTTGCAGGACAAACTGCCGGTGGCAGATATCAAAGCCGTGG 582

Qy        421 TGACGGGAAAGGACTGCCCTCATATGAAAGAGAAAGGTGCCCTTAAACAAAACAAGGAGG 480
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        583 TGACGGGAAAGGACTGCCCTCATATGAAAGAGAAAGGTGCCCTTAAACAAAACAAGGAGG 642

Qy        481 TGCTTGAACTCGCTTTCTCCATCTTGTATGACTCAAACTGCCAACTGAACTTCATCGCTC 540
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        643 TGCTTGAACTCGCTTTCTCCATCTTGTATGACTCAAACTGCCAACTGAACTTCATCGCTC 702

Qy        541 CTGACAAGCATGAGTACTGTATCTGGACAGATGGACTGAATGCGCTACTCGGGAAGGACA 600
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        703 CTGACAAGCATGAGTACTGTATCTGGACAGATGGACTGAATGCGCTACTCGGGAAGGACA 762

Qy        601 TGATGAGCGACCTGACGCGGAATGACCTGGACACCCTGCTCAGCATGGAAATCAAGCTCC 660
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        763 TGATGAGCGACCTGACGCGGAATGACCTGGACACCCTGCTCAGCATGGAAATCAAGCTCC 822

Qy        661 GCCTCCTGGACCTGGAAAACATCCAGATCCCTGACGCACCTCCGCCGATTCCCAAGGAGC 720
                ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        823 GCCTCCTGGACCTGGAAAACATCCAGATCCCTGACGCACCTCCGCCGATTCCCAAGGAGC 882

Qy        721 CCAGCAACTATGACTTCGTCTATGACTGT 749
                |||||||||||||||||||||||||||||
Db        883 CCAGCAACTATGACTTCGTCTATGACTGT 911
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ADI61697
ID   ADI61697 standard; cDNA; 2145 BP.
AC   ADI61697;
DT   22-APR-2004  (first entry)
DE   Human cDNA downregulated in Alzheimer's disease, INCYTE 405309.8.
KW   Human; ss; Alzheimer's disease; differential display; neuroprotective;
KW   brain disorder.
OS   Homo sapiens.
PN   US6682888-B1.
PD   27-JAN-2004.
PF   05-MAY-2000; 2000US-00566921.
PR   05-MAY-2000; 2000US-00566921.
PA   (INCY-) INCYTE CORP.
PI   Loring JF,  Tingley DW,  Edwards CM;
DR   WPI; 2004-118572/12.
PT   New composition comprising cDNAs that are differentially expressed in
PT   brain disorders, useful for diagnosing or treating Alzheimer's disease.
PS   Claim 1; SEQ ID NO 65; 223pp; English.
CC   The invention relates to a new composition comprising ADI61633-
CC   ADI61770and their complements that are cDNAs differentially expressed in
CC   brain disorders. Also included are a high throughput method for detecting
CC   differential expression of one or more cDNAs in a sample containing
CC   nucleic acids and a high throughput method for screening a library of
CC   molecules or compounds to identify a ligand that specifically binds a
CC   cDNA. The expression of the each of the cDNAs is downregulated at least
CC   two-fold in the brain of the subjects with Alzheimer's disease (ADI61633-
CC   ADI61727) or upregulated at least two fold in Alzheimer's disease
CC   (ADI61728-ADI61770). The composition is useful for diagnosing or treating
CC   Alzheimer's disease. The present sequence is a cDNA downregulated at
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CC   least two-fold in the brain of the subjects with Alzheimer's disease.
SQ   Sequence 2145 BP; 554 A; 583 C; 474 G; 534 T; 0 U; 0 Other;

  Query Match             99.8%;  Score 747.4;  DB 12;  Length 2145;
  Best Local Similarity   99.9%;  Pred. No. 1e-205;
  Matches  748;  Conservative    0;  Mismatches    1;  Indels    0;  Gaps    0;

Qy          1 GGAGCTTGGTAATGCAGGTGGTGAAGGAGCAGGTTATGAGAGCACTTACAACCAAGCCTA 60
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        198 GGAGCTTGGTAATGCAGGTGGTGAAGGAGCAGGTTATGAGAGCACTTACAACCAAGCCTA 257

Qy         61 GCTCCCTGGACCAGTTCAAGAGCAAACTGCAGAACCTGAGCTACACTGAGATCCTGAAAA 120
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        258 GCTCCCTGGACCAGTTCAAGAGCAAACTGCAGAACCTGAGCTACACTGAGATCCTGAAAA 317

Qy        121 TCCGCCAGTCCGAGAGGATGAACCAGGAAGATTTCCAGTCCCGCCCGATTTTGGAACTAA 180
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        318 TCCGCCAGTCCGAGAGGATGAACCAGGAAGATTTCCAGTCCCGCCCGATTTTGGAACTAA 377

Qy        181 AGGAGAAGATTCAGCCAGAAATCTTAGAGCTGATCAAACAGCAACGCCTGAACCGCCTTG 240
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        378 AGGAGAAGATTCAGCCAGAAATCTTAGAGCTGATCAAACAGCAACGCCTGAACCGCCTTG 437

Qy        241 TGGAAGGGACCTGCTTTAGGAAACTCAATGCCCGGCGGAGGCAAGACAAGTTTTGGTATT 300
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        438 TGGAAGGGACCTGCTTTAGGAAACTCAATGCCCGGCGGAGGCAAGACAAGTTTTGGTATT 497

Qy        301 GTCGGCTTTCGCCAAATCACAAAGTCCTGCATTACGGAGACTTAGAAGAGAGTCCTCAGG 360
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        498 GTCGGCTTTCGCCAAATCACAAAGTCCTGCATTACGGAGACTTAGAAGAGAGTCCTCAGG 557

Qy        361 GAGAAGTGCCCCACGATTCCTTGCAGGACAAACTGCCGGTGGCAGATATCAAAGCCGTGG 420
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        558 GAGAAGTGCCCCACGATTCCTTGCAGGACAAACTGCCGGTGGCAGATATCAAAGCCGTGG 617

Qy        421 TGACGGGAAAGGACTGCCCTCATATGAAAGAGAAAGGTGCCCTTAAACAAAACAAGGAGG 480
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        618 TGACGGGAAAGGACTGCCCTCATATGAAAGAGAAAGGTGCCCTTAAACAAAACAAGGAGG 677

Qy        481 TGCTTGAACTCGCTTTCTCCATCTTGTATGACTCAAACTGCCAACTGAACTTCATCGCTC 540
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        678 TGCTTGAACTCGCTTTCTCCATCTTGTATGACTCAAACTGCCAACTGAACTTCATCGCTC 737

Qy        541 CTGACAAGCATGAGTACTGTATCTGGACAGATGGACTGAATGCGCTACTCGGGAAGGACA 600
              |||||||||||||||||||||||||| ||||||||||||||||||||||||||||||||
Db        738 CTGACAAGCATGAGTACTGTATCTGGACGGATGGACTGAATGCGCTACTCGGGAAGGACA 797

Qy        601 TGATGAGCGACCTGACGCGGAATGACCTGGACACCCTGCTCAGCATGGAAATCAAGCTCC 660
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        798 TGATGAGCGACCTGACGCGGAATGACCTGGACACCCTGCTCAGCATGGAAATCAAGCTCC 857

Qy        661 GCCTCCTGGACCTGGAAAACATCCAGATCCCTGACGCACCTCCGCCGATTCCCAAGGAGC 720
              ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db        858 GCCTCCTGGACCTGGAAAACATCCAGATCCCTGACGCACCTCCGCCGATTCCCAAGGAGC 917

Qy        721 CCAGCAACTATGACTTCGTCTATGACTGT 749
              |||||||||||||||||||||||||||||
Db        918 CCAGCAACTATGACTTCGTCTATGACTGT 946
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Since the 1st claimed invention has no special technical feature, it cannot share a special technical feature with the other claimed inventions. Thus, Applicant's inventions do not contribute a special technical feature when view over the prior art, they do not have a single inventive concept and so lack unity of invention.

In addition, Group I is directed to a technical feature of a DNA comprising SEQ ID NO:1. Group II is directed to a technical feature of a DNA comprising SEQ ID NO:2. Group III is directed to a technical feature of a DNA comprising SEQ ID NO:3. Group IV is directed to a technical feature of a peptide comprising SEQ ID NO:4. Group V is directed to a technical feature of a peptide comprising SEQ ID NO:5. Group VI is directed to a technical feature of a peptide comprising SEQ ID NO:6. Group VII is directed to a technical feature of an antibody against SEQ ID NO:4. Group VIII is directed to a technical feature of a method for detecting nerve stem/progenitor cells using SEQ ID NO:1. Group IX is directed to a technical feature of a method for a drug for nerve differentiation factor or inhibitor of nerve differentiation. Group X is directed to a technical feature of an antibody against SEQ ID NO:5. Group XI is directed to a technical feature of an antibody against SEQ ID NO:6. Group XII is directed to a technical feature of a method for detecting nerve stem/progenitor cells using SEQ ID NO:2. Group XIII is directed to a technical feature of a method for detecting nerve stem/progenitor cells using SEQ ID NO:3. Group XIV is directed to a technical feature of a method for detecting nerve stem/progenitor cells using SEQ ID NO:4. Group XV is directed to a technical feature of a method for detecting nerve stem/progenitor cells using SEQ ID NO:5. Group XVI is directed to a technical feature of a method for detecting nerve stem/progenitor cells using SEQ ID NO:6. Group XVII is directed to a technical feature of a method for detecting nerve stem/progenitor cells using an antibody against SEQ ID NO:4. Group XVIII is directed to a technical feature of a method for detecting nerve stem/progenitor cells using an antibody against SEQ ID

NO:5. Group XIX is directed to a technical feature of a method for detecting nerve stem/progenitor cells using an antibody against SEQ ID NO:6.

Therefore, the above Inventions do not share a common special technical feature as they comprise different steps and utilize different products, which demonstrates that each method has a different mode of operation. In addition, each invention uses structurally and functionally divergent materials. A method for detecting nerve stem/progenitor cells does not have a same corresponding technical feature as that in a method of screening for a drug. Accordingly, Groups I-XIX are not so linked by the same or a corresponding special technical feature within meaning of PCT Rule 13.1 so as to form a single general inventive concept.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). In order to be fully responsive, Applicant is required to elect a single group from designated Groups I-XIX as set forth above to which the claims will be restricted, even though the requirement is traversed. The subject matter for examination will be restricted to the extent of the subject matter of the elected groups.

5. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder.

All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder**. Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Papers relating to this application may be submitted to Technology Center 1600, Group 1649 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chang-Yu Wang whose telephone number is (571) 272-4521. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (571) 272-0841.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CYW/
Chang-Yu Wang, Ph.D.
September 27, 2007

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud